

ATTACHMENT III

DRAFT--NEW FEATHERBED AGRICULTURAL AND FORESTAL DISTRICT ORDINANCE

November 4, 2010

As approved TBD

I. PURPOSE

It is hereby declared to be the policy of the County of Loudoun To conserve, protect, and to encourage the development and improvement of its agricultural and forestal lands for the production of food and other agricultural and forestal products. It is also the policy of the County of Loudoun to conserve and protect agricultural and forestal lands as valued natural and ecological resources which provide essential open spaces for clean air sheds, as well as for aesthetic purposes. It is the purpose of this Ordinance to provide a means by which agricultural and forestal land may be protected and enhanced as a viable segment of the County's economy and as an economic and environmental resource of major importance, pursuant to Title 15.2, Chapter 43 of the Code of Virginia (1950), as amended.

II. CREATION OF DISTRICT

The Featherbed Agricultural and Forestal District (hereinafter referred to as the District) is hereby renewed for a period of ten (10) years, beginning November 4, 2010 in accordance with the provisions of Title 15.2, Chapter 43, Sections 15.2-4301 through 15.2-4314, Code of Virginia (1950) as amended.

The district shall consist of *TBD* acres more or less and include the following parcels:

MCPI	TAX_MAP	ACRES	OWNER
431365310	/88////////44/	244.94	KEMPT CORPORATION
432261826	/88///6////5/	17.18	GIULIANI, PHILLIP W & LYNNE N R/S
465351693	/74/B/1////14/	8.68	CORNWELL, JEAN H
465360657	/74////////11/	6.99	CORNWELL, JEAN H
465451440	/74/B/1////13/	6.54	WRIGHT, LINDA C
465488474	/74/A/1////D1/	7.04	ROESCH, MAURICE III & CATHY D R/S
466265930	/88////////8A	14.48	RYAN, JOHN P & VIRGIE K
466353459	/88//17////WL/	20.44	HEBARD, J FRANK & MARY A R/S
466393875	/88////////6/	160.60	BURDEN, CHILDS FRICK
* 467278809	/88////////10A	3.00	GUNNELL, VIRGINIA BURT TRUSTEE
467282312	/88////////9/	2.64	RYAN, EDWARD L II
*467363576	/88////////8/	369.14	GUNNELL, VIRGINIA BURT TRUSTEE
**468171591	/88//18////2/	25.17	ARTHUR, KENNETH W & DEBRA S R/S

** 468263432	/88//18/////1/	25.52	HARRIS, MATTHEW & JOAN VON ARRAS RS
*468465456	/88////////11B	78.54	BUSH HILL DEV CORP
501301846	/88//12/////2/	12.60	KOSMANN, WILLIAM J & CHERYL L RS
501304482	/88//12/////3/	7.28	KELLY, ROBERT C & VALERIE R/S
** 502176630	/87////////37C	44.92	WRIGHT, EDWARD T & BRYAN CUTCHIN
**503474643	/87////////37/	40.99	WRIGHT, EDWARD T & BRYAN CUTCHIN
**503476813	/87////////40A	1.06	WRIGHT, EDWARD T & BRYAN CUTCHIN
** 503480236	/87////////38/	5.00	WRIGHT, EDWARD T & BRYAN CUTCHIN
** 503483867	/87///5/////A/	21.09	VIVANCO, RODRIGO R & MARY LOUISE TC

* *Withdrawn by Landowner*

** *Ineligible due to withdrawal*

Note: Current Owner is as of Ordinance Date

II. EFFECT OF DISTRICT

A. All provisions of the Loudoun County Zoning and Subdivision Ordinance shall be applicable within the District, but only to the extent that such ordinances are not in conflict with the purposes of Title 15.2, Chapter 43 of the Code of Virginia (1950) as amended. All land use planning decisions, special exceptions, special use permits and variances affecting any parcel of land within or adjacent to the District shall take into account the existence of the District and purposes and policies of this Ordinance. All subdivision of land within the District other than with a minimum lot size of 50 **forty (40)** acres or current zoning, whichever is greater, is hereby deemed to be in conflict with the purposes and policies established by this Ordinance.

B. Land used in agricultural and forestal production within the District shall automatically qualify for an agricultural or forestal value assessment on such land pursuant to Article 4 (Sections 15.1-3230 et seq.) of Chapter 32 of Title 58.1 of the Code of Virginia (1950) (as amended), if the requirements for such assessment contained therein are satisfied, whether or not the Loudoun County Land Use Assessment Ordinance is in effect.

C. All other applicable provisions of Title 15.2, Chapter 43 of the Code of Virginia (1950), as amended, are incorporated in this Ordinance and made a part hereof.

IV. REVIEW OF ORDINANCE

The Board of Supervisors shall initiate review of the District within 90 days prior to November 4, 2020 in order to determine whether to terminate, modify or continue the District. The Board shall request the recommendations of the

Planning Commission and the Agricultural District Advisory Committee in conducting such review.

V. DISCONTINUANCE OF ASSOCIATION IN DISTRICT

Any owner of land lying in the District may request, in writing, termination and withdrawal of his property in accordance with Section 15.2-4314 of the Code of Virginia (1950) as amended. If denied favorable action by the Board of Supervisors the landowner shall have an immediate right of appeal de novo to the circuit court. The termination of any owner's association in the District for any reason shall not in itself serve to terminate the existence of the District.

Any heir at law or devisee of any owner of land lying within the District shall as a matter of right, be entitled to withdraw from the District within two years of the date of death of the owner and upon written notice of withdrawal to the Board of Supervisors and the Commissioner of the Revenue.

When the district is reviewed by the Board of Supervisors at the end of the four or ten year term, land within the district may be withdrawn by filing a written notice before the Board of Supervisors acts to continue, modify or terminate the district.